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20 and Tech Data Product Management, Inc.*

21 **UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

23 In re: CATHODE RAY TUBE (CRT)
24 ANTITRUST LITIGATION

25 Individual Case No. 13-CV-00157-SC

26 Master File No. 07-cv-5944-SC (N.D. Cal)

27 MDL No. 1917

28 This Document Relates to Individual Case
No. 13-CV-00157-SC

29 TECH DATA CORPORATION; TECH
30 DATA PRODUCT MANAGEMENT,
31 INC.,

32 Plaintiffs,
33 vs.
34 HITACHI, LTD; *et al.*
35 Defendants.
36
37 **DECLARATION OF SCOTT N.
38 WAGNER IN SUPPORT OF TECH
39 DATA CORPORATION'S
40 OPPOSITION TO DEFENDANTS
41 CHUNGHWA PICTURE TUBES, LTD.
42 AND CHUNGHWA PICTURE TUBES
43 (MALAYSIA) SDN. BHD.'S MOTION
44 TO DISMISS TECH DATA
45 CORPORATION'S CLAIMS FOR
46 FAILURE TO PROSECUTE**

47 Date: December 12, 2014

48 Time: 10:00 a.m.

49 Judge: Hon. Samuel Conti

1 I, SCOTT N. WAGNER, declare as follows:

2 1. I am a partner at the law firm of Bilzin Sumberg Baena Price & Axelrod LLP,
3 counsel for Plaintiffs Tech Data Corporation and Tech Data Product Management, Inc., and am
4 licensed to practice law in the State of Florida and admitted to practice *pro hac vice* before this
5 Court. Except for those matters stated on information and belief, which I believe to be true, I
6 have personal knowledge of the facts stated herein, and, if called as a witness, I could and would
7 competently testify thereto.

8 2. I submit this declaration in support of Tech Data Corporation's Opposition to
9 Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.'s
10 Motion To Dismiss Tech Data Corporation's Claims for Failure to Prosecute.

11 3. Attached hereto as **Exhibit 1** is a true and correct copy of the October 1, 2013
12 Stipulation and Order Setting Schedule for Defendants to Answer or Otherwise Respond to the
13 Dell Amended Complaint, Sharp Complaint, and Tech Data Amended Complaint (MDL Dkt.
14 No. 1971.).

15 4. Attached hereto as **Exhibit 2** is a true and correct copy of Direct Action Plaintiffs'
16 First Set of Requests for Production to Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa
17 Picture Tubes (Malaysia).

18 5. Attached hereto as **Exhibit 3** is a true and correct copy of Chunghwa Picture
19 Tubes, Ltd.'s Responses and Objections to Direct Action Plaintiffs' First Set of Requests for
20 Production.

21 6. Attached hereto as **Exhibit 4** is a true and correct copy of Direct Action Plaintiffs'
22 Second Set of Requests for Production to Defendants Chunghwa Picture Tubes, Ltd. and
23 Chunghwa Picture Tubes (Malaysia).

24 7. Attached hereto as **Exhibit 5** is a true and correct copy of Chunghwa Picture
25 Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia)'s Responses and Objections to Direct
26 Action Plaintiffs' Second Set of Requests for Production.

8. Attached hereto as **Exhibit 6** is a true and correct copy of Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia)'s Supplemental Responses and Objections to Direct Action Plaintiffs' Second Set of Requests for Production.

9. Attached hereto as **Exhibit 7** is a true and correct copy of Direct Action Plaintiffs' and Indirect Action Plaintiffs' First Set of Requests for Admission to Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia).

10. Attached hereto as **Exhibit 8** is a true and correct copy of Defendants Chunghwa Picture Tubes, Ltd. And Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.'s Objections to Direct Action Plaintiffs' First Set of Requests For Admission.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the October 10, 2014 Stipulation Regarding the Authenticity of Documents and their Status as “Business Records” (MDL Dkt. No. 2912.).

12. Attached hereto as **Exhibit 10** is a true and correct copy of Direct Action Plaintiffs' Renewed Motion to Compel Defendants to Produce the European Commission Decision (MDL Dkt. No. 2843.).

13. Attached hereto as **Exhibit 11** is a true and correct copy of Defendants' Opposition to Direct Action Plaintiffs' Renewed Motion to Compel Defendants to Produce the European Commission Decision (MDL Dkt. No. 2873.).

14. Attached hereto as **Exhibit 12** is a true and correct copy of the September 5, 2014 Stipulation and September 8, 2014 Order Regarding Discovery to Occur after September 5, 2014 (MDL Dkt. No. 2820.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of November, 2014, in Miami, Florida.

/s/Scott N. Wagner
Scott N. Wagner

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document was electronically served upon the parties and counsel of record through the Court's ECF system on November 20, 2014.

/s/Scott N. Wagner
Scott N. Wagner
Attorney for Plaintiffs
Tech Data Corporation and
Tech Data Product Management, Inc.

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